

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

JULY 18 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

JOSHUA EDWARD SYMONETTE,

Appellant.

2 CA-CR 2006-0257

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20054543

Honorable Barbara Sattler, Judge Pro Tempore

AFFIRMED

Robert J. Hooker, Pima County Public Defender
By Frank P. Leto

Tucson
Attorneys for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 Following a jury trial, appellant Joshua Symonette was convicted of fleeing from a law enforcement vehicle, a class five felony, and two counts of endangerment, class six felonies. After finding that Symonette had two prior convictions, the trial court imposed concurrent, presumptive sentences, the longest of which was five years. Counsel has filed

a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating he has diligently searched the record without finding an arguable issue to raise on appeal and asking us to search the record for error pursuant to *Anders*. Symonette has not filed a supplemental brief. We affirm.

¶2 The evidence at trial established that at approximately 2:30 p.m. on November 2, 2005, a Tucson police officer responded to a report that a vehicle was being driven in an erratic manner, which he described at trial as meaning “at a high rate of speed, blowing through stoplights, going down residential streets at a high rate of speed and going through stop signs.” After the officer had turned on the emergency lights and siren on the marked police vehicle he was driving, the driver, later identified as Symonette, led the officer on a high-speed chase through traffic, at times exceeding ninety-five miles per hour, until a police helicopter continued the pursuit because of safety concerns. The chase ended when Symonette’s vehicle crashed into another car, and Symonette “bailed out and [ran] northbound through the park,” where police officers ultimately apprehended him.

¶3 The driver of the vehicle with which Symonette had collided also testified, describing how Symonette had “slammed [him] against the side of the road hard enough [that the driver’s] car actually lifted off the ground,” injuring his arm and head and damaging his vehicle. In addition, another witness testified a vehicle matching the description of the one driven by Symonette had been speeding and “swerving in and out of traffic” behind him

until the driver “clipped” the front portion of another vehicle, causing a “rough” impact, and the driver of the vehicle who caused the collision jumped out of the car and ran into the park. The evidence was sufficient to sustain the verdicts. *See* A.R.S. §§ 28-622.01 and 13-1201.

¶4 We have reviewed the entire record and have found no fundamental error. We therefore affirm the convictions and sentences.

PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

JOHN PELANDER, Chief Judge

GARYE L. VÁSQUEZ, Judge